

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DARRELL D. CAGE,

Plaintiff,

-vs-

Case No. 14-CV-633

WARDEN PAUL KEMPER, et al.,

Defendants.

DECISION AND ORDER

The plaintiff has filed a motion for a more definite statement regarding the defendants' answer. He contends that the defendants' answer is too vague because it simply "denied" the complaint allegations, and that he is unable to respond without additional information. However, the plaintiff need not reply to the answer. *See* Fed. R. Civ. P. 7(a). The defendants properly answered the complaint – the Federal Rules of Civil Procedure do not require additional information beyond the general denial that they provided. *See* Fed. R. Civ. P. 8(b). Accordingly, the plaintiff's motion for a more definite statement will be denied.

Next, the plaintiff has filed a motion to reopen discovery and compel defendants to produce documents. He contends that the defendants did not make available to him documents referenced in an email discovery response because the documents were confidential Federal Bureau of

Investigation reports. The plaintiff requests that the Court reopen discovery and allow an additional 60 days for the defendants to supply the plaintiff with all relevant discovery. He also requests that the Court compel the defendants to make available to him the documents that were used and produced to deny the plaintiff his right to marry.

Pursuant to the Court's scheduling order, the defendants filed a motion for summary judgment on February 6, 2015. In response, the plaintiff filed a motion to deny the defendants' summary judgment motion as premature. He states that the defendants keep sending him discovery materials and that they also direct him to the prison's ICE office to obtain and review the information. According to the plaintiff, this takes a lot of time. The plaintiff requests that the Court rule on his motion to reopen discovery so that the defendants can complete their duty to provide him with all relevant discovery materials. Alternatively, if the Court does not deny the defendants' summary judgment motion as premature, the plaintiff requests that he be given a 45-day extension of time to respond to the defendants' summary judgment motion.

The plaintiff filed a response to the defendants' motion for summary judgment on March 12, 2015. His response focuses on the above-described discovery issues.

The defendants filed their reply brief on March 26, 2015. They contend that the plaintiff's response fails to create a genuine issue of material fact. In this filing the defendants demonstrate that the plaintiff has been given access to and provided all documents through discovery. The Declarations of Nancy Padgett and Corey F. Finkelmeyer (ECF Nos. 35, 36), which are attached as exhibits to their reply, make clear that the plaintiff has been given access to every document related to the decision to deny his marriage, including the previously undisclosed Federal Bureau of Investigation reports.

The plaintiff filed a sur-reply in which he challenges the defendants' contention that he has failed to create a genuine issue of material fact. The plaintiff asserts that he could not draft a proper response because the defendants sent him discovery after the close of discovery. The plaintiff requests that the Court order the defendants to state whether or not they have not completed discovery and that the Court grant him an extension of time to file his response to the defendants' motion for summary judgment.

The defendants' March 26, 2015, reply brief states that the plaintiff "has been given access to every document related to the decision to deny his marriage." (ECF NO. 34 at 1-2.) Discovery is now complete. The Court will grant the plaintiff additional time to file a response to the defendants'

summary judgment motion and it will also provide a deadline for the defendants to file a reply.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT the plaintiff's motion for more definite statement (ECF No. 19) is **DENIED**.

IT IS FURTHER ORDERED that the plaintiff's motion to reopen discovery and compel defendants to produce documents (ECF No. 21) is **DENIED**.

IT IS FURTHER ORDERED that the plaintiff's motion for order denying defendants' premature motion for summary judgment (ECF No. 31) is **DENIED**.

IT IS FURTHER ORDERED that the plaintiff may file a supplemental response to the defendants' motion for summary judgment by **July 10, 2015**, and the defendants' may file a reply by **July 27, 2015**.

Dated at Milwaukee, Wisconsin, this 12th day of June, 2015.

BY THE COURT:


HON. RUDOLPH T. RANDA
U.S. District Judge